

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FRACTUS, S.A.

Plaintiff,

V.

SAMSUNG ELECTRONICS CO., LTD., et al.;

Defendants.

Civil Action No. 6:09-CV-203

VERDICT FORM

In answering these questions, you are to follow the instructions I have given you in the Charge of Court.

1. Did Fractus prove by a preponderance of the evidence that Samsung infringed, either literally or under the doctrine of equivalents, any of the following Claims?

Answer “Yes” or “No” for each listed Claim:

	Literal	Doctrine of Equivalents
'868 Claim 26	yes	yes
'868 Claim 35	yes	yes
'208 Claim 7	yes	yes
'208 Claim 12	yes	yes
'431 Claim 14	yes	yes
'431 Claim 30	yes	yes
'432 Claim 6	yes	yes

2. ANSWER THIS QUESTION ONLY FOR THOSE CLAIMS YOU ANSWERED
“YES” FOR IN QUESTION 1 – OTHERWISE SKIP THIS QUESTION AND
PROCEED TO QUESTION 3:

Did Fractus prove by clear and convincing evidence that Samsung’s infringement
of any Claim was willful?

Answer “Yes” or “No” for each listed Claim:

‘868 Patent, Claim 26:	<u>yes</u>
‘868 Patent, Claim 35:	<u>yes</u>
‘208 Patent, Claim 7:	<u>yes</u>
‘208 Patent, Claim 12:	<u>yes</u>
‘431 Patent, Claim 14:	<u>yes</u>
‘431 Patent, Claim 30:	<u>yes</u>
‘432 Patent, Claim 6:	<u>yes</u>

3. Did Samsung prove by clear and convincing evidence that any of the following Claims are invalid for any of the following reasons?

If you find the Claim invalid, answer “Yes,” otherwise, answer “No.”
Answer for all Claims regardless of whether you have found those claims were infringed.

	Anticipation	Obviousness	Written Description	Enablement
‘868 Claim 26	NO	NO	NO	NO
‘868 Claim 35	NO	NO	NO	NO
‘208 Claim 7	NO	NO	NO	NO
‘208 Claim 12	NO	NO	NO	NO
‘431 Claim 14	NO	NO	NO	NO
‘431 Claim 30	NO	NO	NO	NO
‘432 Claim 6	NO	NO	NO	NO

ANSWER THIS QUESTION ONLY FOR THE CLAIMS YOU FOUND INFRINGED AND NOT INVALID:

4. What sum of money do you find from a preponderance of the evidence would fairly and reasonably compensate Fractus for Samsung's infringement of the patent claims that you have found were infringed by Samsung?

Damages Awarded: \$ 23,129,321

The foreperson must sign and date this verdict form:

5-23-11

DATE

FOREPERSON